

REMARKS

Claims 1-30 are pending in the application. In the Office Action, Claims 1-8, 10-16, 19-21 and 23-30 remain rejected under 35 U.S.C. §103(a) as unpatentable over Odenwalder et al. (U.S. Patent 5,909,434) in view of Rikkinen et al. (U.S. Patent 6,031,827).

On March 19, 2008 Applicants representative contacted the Examiner to determine the status of Claims 9, 17, 18 and 22. The Examiner stated that these claims are now objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Additionally, since Claims 19 and 30 depend from Claim 17 (either directly or indirectly) the Examiner stated that these claims are also objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Regarding the rejections of independent Claims 1 and 11 under §103(a), the Examiner states that Odenwalder et al. in view of Rikkinen et al. renders the claims unpatentable. Applicants respectfully disagree.

Odenwalder et al. discloses bright and burst mode signaling data transmission in an adjustable rate wireless communication system; and, Rikkinen et al. discloses a method for radio resource control.

Each of Claims 1 and 11 recite, in part, generating a first frame message and generating a second frame message, i.e. two distinct frame messages are generated. In its description of its frame generator, Odenwalder et al. at col. 3, lines 19-30 states that its frame generator generates a frame from both the signal data and user data, i.e. Odenwalder et al. generates one frame. The generation of one frame is not and cannot be equated with the generation of two distinct frame messages. Rikkinen et al. does not cure these defects of Odenwalder et al.

Each of Claims 1 and 11 recite, in part, replacing a portion of the second frame message with the first frame message, i.e. the replacement of part of one distinct frame message with another frame message. In its description of frame structuring, Rikkinen et al. at col. 5, lines 41-45 states that a slot of a frame can be modularized, i.e. one slot can be divided into different sized slots. Dividing a slot into different sized slots is not and cannot be equated with replacing a portion of the second frame message with the first frame message. Odenwalder et al. does not cure these defects of Rikkinen et al.

The combination of Odenwalder et al. and Rikkinen et al. still results in only one frame that may be inserted into different sized slots, which is not and cannot be equated with generating a first frame message and generating a second frame message and replacing a portion of the second frame message with the first frame message as recited in Claims 1 and 11.

Based on at least the foregoing, withdrawal of the rejections of independent Claims 1 and 11 under §103(a) is respectfully requested.

Regarding the rejections of independent Claims 24 and 26 under §103(a), the Examiner also states that Odenwalder et al. in view of Rikkinen et al. renders the claims unpatentable. Applicants respectfully disagree.

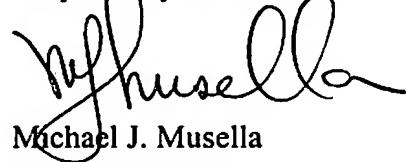
Each of Claims 24 and 26 recite decoding a signal to generate a first frame message and decoding the signal to generate a second frame message. Again, in its description of its frame generator, Odenwalder et al. at col. 3, lines 19-30 states that its frame generator generates a frame from both the signal data and user data, i.e. Odenwalder et al. generates one frame. The generation of one frame is not and cannot be equated with the decoding of a signal to generate two distinct frame messages. Rikkinen et al. does not cure these defects of Odenwalder et al.

Based on at least the foregoing, withdrawal of the rejections of independent Claims 24 and 26 under §103(a) is respectfully requested.

Independent Claims 1, 11, 24 and 26 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2-8, 10, 12-16, 20, 21, 23, 25 and 27, these are likewise believed to be allowable by virtue of their dependence on their respective independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-8, 10, 12-16, 20, 21, 23, 25 and 27 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-30, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



Michael J. Musella
Reg. No. 39,310
Attorney for Applicant

THE FARRELL LAW FIRM
333 Earle Ovington Blvd. Suite 701
Uniondale, New York 11553
Tel: (516) 228-3565
Fax: (516) 228-8475

PJF/MJM/dr